



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/20/2486

**Re: Property at 26 C Balmullo Square, Douglas, Dundee, DD4 8QL (“the
Property”)**

Parties:

Mrs Jill Danskin, 64 B Rectory Road, London, N16 7SH (“the Applicant”)

**Mr Allan McNicol, 26 C Balmullo Square, Douglas, Dundee, DD4 8QL (“the
Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment in the amount of £3328.03
should be made.**

Background

The Applicant lodged an application on the 19th January 2021 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant was seeking payment of rent arrears from the Respondent.

Lodged with the application were:-

1. The Tenancy Agreement showing a start date of 29th June 2019.
2. Rent Statement.

The papers were served on the Respondent by Sheriff Officer on the 10th February 2021.

Case Management Discussion

The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by George Wanless of Contempo Property. The Respondent did not dial in and was not represented.

Mr Wanless moved that an order for payment in the amount of £3328.03 be granted. This covered the period from 29th June 2020 to 12th November 2020. The Applicant already has an order from the Tribunal for payment of rent arrears accrued prior to 29th June 2020.

Mr Wanless confirmed that Sheriff Officers have been unable to serve an eviction order due to current coronavirus restrictions. They are not aware if the Respondent is still in the property, but he was still occupying it on 12th November 2020.

Findings in Fact

1. The parties entered into a Tenancy Agreement in respect of the property;
2. The rent was £495 per month;
3. The Respondent continued to occupy the property at 12th November 2020;
4. There is a previous Tribunal Order dated 1st October 2020 for payment of the sum of £3,785.28 by the Respondent to cover the period up to 29th June 2020;
5. The arrears of rent due by the Respondent from the period 29th June 2020 to 12th November 2020 is £3,328.03.

Reasons for Decision

The Respondent owes the sum of £3,328.03 to cover rent between the 29th June 2020 and 12th November 2020.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Alison Kelly

11/03/21

Legal Member/Chair

Date

